

AMENDMENT

Serial Number: 10/776,472

Filing Date: February 11, 2004

Title: Highly Active Liquid Melts Used to Form Coatings

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NANO004**REMARKS**

The Official Action mailed November 16, 2006 has been carefully considered. Claims 6, 7 and 9-16 are pending in the application and stand rejected. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claim Amendments

Claims 6 and 11 have been amended to recite: "an iron based metallic coating alloy wherein said alloy includes manganese, boron, a deoxidizing element..." Support for this amendment may be found in paragraph [0013] of the published application which recites: "[c]onsistent with the present invention, specially designed alloy melts containing combinations of oxide forming/deoxidizing transition metals ... in combination with oxygen seeking nonmetals/metalloids such as ...boron..." Further support may be found in paragraph [0018] which recites boron as a component in the two types of feed stock tested. No new matter has been added by this amendment.

Claim 12 has been amended to reflect the amendments to claim 11. No new matter has been added by this amendment.

Rejections under 35 USC §102(b) and §103(a)

Claims 6-7 and 9-12 stand rejected under 35 USC §102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Dardi et al. U.S. 4,615,864. In addition, claims 13-16 also stand rejected under 35 USC §103(a) as obvious over Dardi et al. U.S. 4,615,864.

As an initial matter, the compositions claimed herein now include the element boron. Dardi fails to disclose the use of boron in combination with iron based metallic coating alloys. Accordingly, the presently claimed subject matter is believed to define over Dardi et al under 35 USC 102.

With regards to the outstanding rejection under 35 USC 103, it is also believed that Dardi et al is no longer applicable. As the Examiner correctly noted, Dardi et al utilized up to 12 % of Si. Presumably, the Examiner equated the presence of silicon in Dardi et al as a basis to find that the claimed limitation of an oxygen seeking non-metal/metalloid (see claims 6 and 11) could be

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found in Dardi et al. However, Dardi stops very short at the use of silicon, and does not teach or suggest that anything beyond silicon may be utilized, such as boron, which is now required by independent claims 6 and 11.

In addition, in the working examples provided in the present application, the advantage of utilizing boron in combination with other oxygen seeking metalloids is established. See, e.g., paragraph [0013] and [0018] of the published application. The use of boron in combination with other oxygen seeking nonmetal/metalloids is again not believed disclosed or suggested by Dardi et al.

Accordingly, it is respectfully submitted that Dardi fails to anticipate or render obvious the claimed subject matter of amended claims 6, 7 and 9-16.

With respect to dependent claim 7, Applicant notes that the claim recites the step of melting the alloy of claim 6 and forming a liquid state with no precipitates of the deoxidizing element in such liquid state. The Examiner indicated that Dardi did not teach the presence of precipitates in the molten coating alloy, and therefore, it appears that the Examiner concluded that since Dardi was silent on the issue of precipitate formation, it was reasonable to conclude that Dardi disclosed molten alloys that did not have any precipitates, based upon Dardi's "broadest interpretation."

Applicant respectfully submits that the issue is whether or not Dardi teaches or suggests to one skilled in the art that a molten alloy is one that does not contain precipitates, and on that note, Dardi is silent. Without more, Applicant therefore respectfully submits that dependent claim 7 defines patentable subject matter over Dardi. Alternatively, if the Examiner believes that Dardi teaches and suggests a molten alloy that does not have precipitates, Applicant respectfully requests that the Examiner point out where such teaching may be found in the subject reference.

Furthermore, given that Applicant has amended to recite compositions that are different than Dardi et al, it is not considered reasonable to speculate any longer as to whether or not Dardi's differing compositions are capable for forming a liquid state with no precipitates of the deoxidizing element.

Accordingly, the Applicant believes that the claimed subject matter defines over the references cited herein. Having dealt with all the objections raised by the Examiner, it is

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respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

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